

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Cr. No. 19-10075-MLW
)	
RUDOLPH MEREDITH,)	
Defendant.)	

MEMORANDUM AND ORDER (UNDER SEAL)

WOLF, D.J.

March 21, 2019

On March 8, 2019, the government filed under seal a March 4, 2019 Cooperation Agreement with defendant Rudolph Meredith, the former head soccer coach at Yale University (Docket No. 13-1). At that time the case was sealed. Upon motion by the government, the case was unsealed on March 12, 2019. The Cooperation Agreement, however, remains sealed.

A hearing to address Meredith's request to waive indictment and plead guilty to the charges against him will be held on March 28, 2019. It appears to the court that the Cooperation Agreement should be unsealed before that hearing. There is a presumptive right of public access to judicial records on which judicial decisions are made. See United States v. Kravetz, 706 F.3d 47, 56 (1st Cir. 2013); FTC v. Standard Fin. Mgmt. Corp., 830 F.2d 404, 410 (1st Cir. 1987). In certain circumstances the interest in maintaining the confidentiality of a defendant's cooperation may be sufficient to overcome this presumption. However, in this case

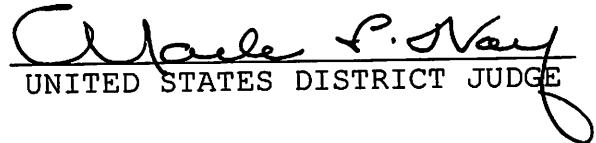
an affidavit filed for the public record in support of criminal complaints concerning other defendants identifies "the head coach of women's soccer at Yale" as a cooperating witness. See 19-mj-06087, Docket No. 3-2, ¶22. The media has publicly reported that Meredith is cooperating with the government. See, e.g., David Owens, Former Yale Soccer Coach and Prominent Greenwich Lawyer among Dozens Indicted in Sweeping College Admissions Bribery Scandal, Hartford Courant, Mar. 12, 2019, <https://www.courant.com/news/connecticut/hc-news-yale-soccer-coach-bribes-20190312-xz3dfbea7na3xetuetrxnet264-story.html>; Lori Mack, Yale University among Schools Targeted in College Cheating Scandal, NPR, Mar. 12, 2019, <https://www.wnpr.org/post/yale-university-among-schools-targeted-college-cheating-scandal>.

Therefore, as continued impoundment will not protect any legitimate interest, but would require closing part of the March 28, 2019 hearing, it appears to the court that the Cooperation Agreement should be unsealed. See Associated Press v. U.S. Dist. Ct. for Cent. Dist. Cal., 705 F.2d 1143, 1146 (9th Cir. 1983) (holding that to properly close a proceeding "there must be 'a substantial probability that closure will be effective in protecting against the perceived harm'") (quoting United States v. Brooklier, 685 F.2d 1162, 1167 (9th Cir. 1982)); United States v. Salemme, 978 F. Supp. 364, 375 (D. Mass. 1997).

In view of the foregoing, it is hereby ORDERED that:

1. The parties shall confer and, by March 25, 2019, report whether either or both object to the unsealing of the Cooperation Agreement (Docket No. 13-1). If a party objects, it or he shall simultaneously file, under seal, an affidavit and memorandum in support of the objection.

2. This Memorandum and Order is SEALED at least temporarily.


UNITED STATES DISTRICT JUDGE